



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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Syn. No. 12
9/25/01

TO: SUPERVISOR ZEV YAROSLAVSKY, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN
County Counsel

LERROY D. BACA
Sheriff

STEVE COOLEY
District Attorney

PASTOR HERRERA, JR.
Director, Department of Consumer Affairs

RE: **Report on Regulations on Child Labor**

On September 25, 2001, on motion of Supervisor Don Knabe, the Board instructed the Department of Consumer Affairs, Office of the County Counsel, Office of the District Attorney and the Sheriff's Department, to form a task force to develop a plan for the registration of businesses using child labor for sale of goods, services, or products, and establishment of a system for enforcement and protection of minors for sales in unincorporated areas.

This report was prepared by the task force, after consultation with the Division of Labor Standards and Enforcement of the California Department of Industrial Relations ("DLSE") and the County Registrar-Recorder's Office.

1. BACKGROUND.

The Board's motion expressed concern over a newspaper article published in August 2001, regarding the plight of minors engaging in door-to-door sales who were subjected to dangerous conditions with little or no compensation for their work. Specifically, the motion instructed the task force to develop a plan to require businesses without tax-exempt identification that use child labor for sale of goods, services, or products to register with the County all pertinent data regarding owners of the company, registration with tax collecting agencies, and addresses of record for all owners and principals of the company.

The task force was also instructed to look into requiring all private businesses using such child labor to register names, ages, and hours of work, proof of wages paid, and notarized permit from parents or guardians with appropriate County agencies. Finally, the task force was to formulate a system of enforcement and protection of minors in the unincorporated areas and start a "crack down" of the problem with full prosecution for all violators.

Over a period of several months, the task force discussed the areas of concern identified by your Board and consulted with representatives of the DLSE with regard to the enforcement of child labor laws and registration of businesses using child labor. The recommendations of the task force are summarized below.

2. RECOMMENDATIONS.

First, the task force does not recommend the establishment of a County registration system for businesses using child labor. Because of duplication of registration procedures already required by state law, it is likely that such County regulation would be invalid under preemption principles. Moreover, according to the DLSE, which enforces state laws regarding child labor, this type of registration is not an effective tool in identifying and apprehending individuals who exploit child labor because they are unlikely to voluntarily register with a government agency.

Second, the task force recommends that establishment of a system to enforce child labor laws and protect minors should begin with a program to inform the public, especially minors and their parents, of laws regarding use of child labor in door-to-door sales of goods and services.

A significant problem in the enforcement of child labor laws is obtaining leads on suspected violators. Raising public awareness of child labor issues may result in possible leads and thus assist the efforts of law enforcement to apprehend and prosecute violators. Representatives of the District Attorney and Sheriff have indicated that with sufficient information, they would have the ability to arrest and prosecute individuals exploiting children in door-to-door sales within the unincorporated areas of the County.

To assist in raising public awareness, the Department of Consumer Affairs will provide an informational sheet on child door-to-door sales that would be made available in written form and on the department's web site, a copy of which is enclosed for your review.¹

Finally, the task force recommends that the Sheriff and District Attorney continue to work together and coordinate a "crack down" operation upon obtaining sufficient leads. It should be noted, however, that these child labor violations are misdemeanors and may be within the jurisdiction of law enforcement and prosecuting agencies other than the Sheriff and District Attorney in some areas of the County. Specifically, the District Attorney is the prosecuting agency for misdemeanor violations of State law in all of Los Angeles County except for ten (10) municipalities which have independent municipal prosecutors. For those municipalities, the District Attorney will provide information on this matter with the other prosecutors.

The DLSE has also expressed its willingness to work with the Sheriff and District Attorney to apprehend and prosecute child labor violations. However, the DLSE has indicated that it is possible that children may be left stranded and therefore the DLSE would require some type of custodial arrangement before participating in a "crack down" operation.

In such cases, the DLSE and Sheriff agree that any such activities must be coordinated with a child protective services agency. Although the task

¹ The task force had studied the possible use of the Sheriff's Success Through Awareness and Resistance (STAR) program to raise public awareness of child labor issues because STAR deputies provide public safety information to schools within the County. However, the Sheriff's representative has recently advised the task force that budgetary restrictions preclude the use of the STAR program at this time.

force does not anticipate any major problems, the appropriate agency contact has not yet been identified. Once that is done, law enforcement personnel will work with that agency to develop a procedure to take temporary "custody" of the children to ensure their safety.

3. CONCLUSION.

Instituting a program educating students about door-to-door sales is the first and most important step in preventing child labor violations. This approach is also likely to increase the likelihood of identifying and prosecuting violators. Therefore, the task force respectfully suggests that your Board adopt the recommendations set forth in this report.

If you should have any questions, the members of the task force are: Joseph Johnson, Department of Consumer Affairs, (213) 974-6768; Lt. Ruth Nelson, Sheriff's Department, (562) 946-7067; Investigator Mel Cunningham, Sheriff's Department, (562) 946-7192; Barry Gale, Deputy District Attorney, (213) 580-3243; and Nancy Takade, Senior Deputy County Counsel, (213) 974-1202.

LWP:NMT:lm

Enclosure

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

CONSUMER NEWS **ALERT**

DOOR TO DOOR CANDY SALES

The signs and flyers make it sound easy, "Earn up to \$250 in a weekend." The company representative says, "Make big money selling candy door to door, all expenses paid." What often happens is being taken miles from home and dropped in a strange neighborhood with orders to go door to door, or walk around a shopping center selling candy or similar items without supervision. If you are unsuccessful you may find yourself left to find your own way home, and even if successful you may not get paid.

◆ BEFORE YOU GO:

- ✓ Confirm where you will be taken, how you will be paid, and advise your parents or guardian who will be taking you and when you expect to return.
- ✓ Make a note of the license plate number of the vehicle you will be riding in along with the name and a physical description of the driver. Keep this information with you.
- ✓ Write down and save a record of days and hours worked and amount paid

◆ IF YOU HAVE A PROBLEM:

- ✓ If you find yourself left alone for more than 15 minutes, or stranded in an unfamiliar area, find a phone and call 911.
- ✓ The company is required to pay you at least minimum wage. If you are not paid in full make a note of the hours worked and the name and phone number of who was to pay you.
- ✓ Notify your school administrator or the Los Angeles County Department of Consumer Affairs of any violations.



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